

AMENDED IN SENATE SEPTEMBER 11, 2003

AMENDED IN SENATE SEPTEMBER 8, 2003

AMENDED IN SENATE JULY 8, 2003

AMENDED IN SENATE JUNE 24, 2003

AMENDED IN SENATE JUNE 23, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL**No. 1769**

Introduced by Assembly Member Oropeza

March 11, 2003

An act to amend Sections 14612, 22825.01, 25350.8, 25350.85, 25350.10, 25350.105, 26826.4, 26827, 68086, 68933, and 69926.5 of, and to add and repeal Section 14612.2 of, the Government Code, to amend Section 62.5 of the Labor Code, to amend and repeal Section 6611 of the Public Contract Code, to amend Section 40433 of, and to repeal Section 40409 of, the Public Resources Code, to amend Sections 97.68 and 10754 of, and to add Section 97.46 to, the Revenue and Taxation Code, to amend Section 17604 of the Welfare and Institutions Code, and to amend Item 3910-001-0387 of Section 2.00 of Chapter 157 of the Statutes of 2003, relating to state and local government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1769, as amended, Oropeza. State and local government.

(1) Existing law authorizes the Department of General Services and the Director of General Services to perform specified activities for the purpose of achieving improved levels of performance. These provisions become inoperative on the effective date of the Budget Act of 2003, or June 30, 2003, whichever occurs later, and are repealed as of January 1, 2004.

This bill would delete the inoperative date and the repeal date of these provisions.

(2) Existing law specifies that no agency is required to use the Office of State Publishing for its printing needs, but that the Office of State Publishing may offer printing services to both state and other public agencies and agencies of the United States Government. When soliciting bids for printing services from the private sector, state agencies are required to also solicit a bid from the Office of State Publishing when the project is anticipated to cost more than \$5,000. The Office of State Publishing is authorized to accept paid advertisements under specified conditions. These provisions become inoperative on the effective date of the Budget Act of 2003, or June 30, 2003, whichever occurs later, and are repealed as of January 1, 2004.

This bill would eliminate these provisions, but would, except for the authorization for the Office of State Publishing to accept paid advertisements, reenact these provisions. These provisions would become inoperative on the effective date of the Budget Act of 2004, or July 1, 2004, whichever is later, and would be repealed on January 1, 2005.

(3) Until January 1, 2005, or earlier, as specified, the Rural Health Care Equity Program, as administered by the Department of Personnel Administration, provides subsidies and reimbursements for certain health care premiums and health care costs incurred by state employees and annuitants in rural areas in which there is no board-approved health maintenance organization plan available for enrollment. Chapter 228 of the Statutes of 2003, on and after January 1, 2004, limits these subsidies and reimbursements to annuitants who reside in California, and makes ineligible those annuitants who become residents of another state on or after July 1, 2003.

This bill would instead provide that the California residency requirements under the program become operative on and after January 1, 2004.

(4) The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption

in this state of, tangible personal property. The Bradley-Burns Uniform Local Sales and Use Tax Law (Bradley-Burns Law) authorizes a county to impose a local sales and use tax at a rate of 1 1/4%, and similarly authorizes a city, located within a county imposing such a tax rate, to impose a local sales tax rate of 1% that is credited against the county rate. Existing law provides that on and after July 1, 2004, until a specified date after the Director of Finance makes a specified notification to the State Board of Equalization, that the tax rate authorized to be imposed under the Bradley-Burns Law be reduced to a specified percentage. During this period, existing law requires each county auditor to annually allocate a portion of property revenues into a Sales and Use Tax Compensation Fund, for allocation to the county and cities for reimbursement of local sales tax revenue losses resulting from the reduction of the amount of taxes imposed under the Bradley-Burns Law.

Existing law authorizes the board of supervisors of the County of Orange to elect, by resolution, to guarantee payment under a financing agreement, or to guarantee payment under an agreement to finance the lease or lease-purchase of property through the issuance of certificates of participation or lease revenue bonds pursuant to specified procedures, including notice to the Controller and a schedule for transfer of moneys to a trustee for payments under the agreement.

Existing law requires that specified portions of taxes collected by the State Board of Equalization from taxes imposed by the County of Orange pursuant to the Bradley-Burns Law, as specified, be pledged to all certificates of participation or lease revenue bonds issued during the years 1996 and 1997, not to exceed the amount to be paid in those fiscal years on those certificates of participation or lease revenue bonds.

This bill would make conforming amendments to existing law to specifically provide, among other things, that moneys allocated to the County of Orange from the County of Orange's Sales and Use Tax Compensation Fund, for reimbursement of the losses resulting from the reduction of the amount of taxes imposed under the Bradley-Burns Law, are similarly pledged to all certificates of participation or lease revenue bonds issued during the years 1996 and 1997.

(5) Existing law establishes, until July 1, 2006, a \$500 fee to be paid by each party for filing specified papers requesting or opposing the designation of a case as a complex case, and requires payment of the same fee by each party whenever a case is otherwise designated as a complex case upon order of the court. Existing law requires these fees



to be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund. Existing law also specifies that these fees are in addition to total filing fees and specified surcharges, and provides for the enforcement of these requirements.

This bill would specify that these fees be charged in all complex cases filed on or after August 18, 2003. The bill would impose a limitation of \$10,000 on the total amount of fees collected from all plaintiffs, and the same from all defendants, intervenors, respondents, or adverse parties appearing in a complex case. The bill would also provide for reimbursement of fees upon a specified circumstance.

Existing law specifies the fees for various filings in probate court.

This bill would revise the documents to which these fees apply and provide that these fees are for trusts as well as estates of specified value. The bill would also revise provisions governing the petitioner's valuation of a decedent's estate, and provide for the reimbursement of an original petitioner for specified fees he or she has paid.

Existing law provides for court reporter fees, as specified, plus a one-time \$25 fee to each party upon filing a first paper, except as specified.

This bill would delete the requirement that the one-time \$25 fee be paid ~~be~~ by each party.

Existing law establishes the Appellate Court Trust Fund, to be apportioned by the Judicial Council upon appropriation by the Legislature, as specified.

This bill would revise the provisions governing the apportionment of funds in the Appellate Court Trust Fund by the Judicial Council, as specified.

Existing law imposes a \$20 filing fee surcharge in certain cases to fund court security.

This bill would impose an additional \$20 or \$10 surcharge in certain cases, for a specified period.

(6) Existing law establishes the Uninsured Employers Benefits Trust Fund and the Subsequent Injuries Benefits Trust Fund, which replaced the Uninsured Employers Fund and the Subsequent Injuries Fund, respectively. Existing law provides, commencing January 1, 2004, that all references to the old funds shall mean the new funds.

This bill would delete the January 1, 2004 date, thereby changing these references upon the effective date of this bill.

(7) Existing law authorizes the Department of General Services to establish a negotiation process that may be used during various stages of the procurement process when the department procures goods, services, construction services, or information technology for itself or on behalf of another state agency.

This bill would, until July 1, 2006, instead authorize that negotiation process relative to contracts for goods, services, information technology, and telecommunications, and authorize the department to negotiate amendments to existing contracts, as provided. This bill would make those provisions inoperative on July 1, 2006.

(8) Existing law, the California Integrated Waste Management Act of 1989, establishes an integrated solid waste management program that is administered by the California Integrated Waste Management Board. Existing law requires the Governor to appoint one adviser for each member of the board upon the recommendation of the board member and provides that the adviser serving the chairperson of the board is to be known as the principal adviser. Existing law prohibits an appointed adviser from selecting an additional deputy or employee and prohibits the board from expending any funds to pay for the salary of a deputy or employee of an adviser. Existing law also prohibits a board member or advisor from collecting per diem or travel expenses for attending a meeting at the board headquarters or for traveling to or from the board headquarters.

This bill would delete the requirement that the adviser serving the chairperson of the board is to be known as the principal adviser and would delete the prohibitions on an appointed adviser selecting an additional deputy or employee. The bill would also delete the provision prohibiting the board from expending any funds to pay for the salary of a deputy or employee of an adviser, and the provision prohibiting a board member or advisor from collecting per diem or travel expenses for attending a meeting at the board headquarters or for traveling to or from the board headquarters.

(9) Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. Existing property tax law also reduces the amounts of ad valorem property tax revenue that would

otherwise be annually allocated to the county, cities, and special districts pursuant to these general allocation requirements by requiring, for purposes of determining property tax revenue allocations in each county for the 1992–93 and 1993–94 fiscal years, that the amounts of property tax revenue deemed allocated in the prior fiscal year to the county, cities, and special districts be reduced in accordance with certain formulas. It requires that the revenues not allocated to the county, cities, and special districts as a result of these reductions be transferred to the Educational Revenue Augmentation Fund in that county for allocation to school districts, community college districts, and the county office of education.

This bill would modify these ad valorem property tax revenue allocation provisions by requiring ~~an~~ by a specified factor increase in the amount that would, from specified moneys in an Educational Revenue Augmentation, otherwise be allocated to county offices of education and community college districts, and requiring that the balance of these specified moneys be allocated to school districts.

By imposing additional ad valorem property allocation duties upon local tax officials, this bill would impose a state-mandated local program.

Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, and generally requires that each jurisdiction be allocated an amount equal to the total of the amount of revenue allocated to that jurisdiction in the prior fiscal year, subject to certain modifications, and that jurisdiction's portion of the annual tax increment, as defined. Existing property tax law also reduces the amounts of ad valorem property tax revenue that would otherwise be annually allocated to the county, cities, and special districts pursuant to these general allocation requirements by requiring, for purposes of determining property tax revenue allocations in each county for the 1992–93 and 1993–94 fiscal years, that the amounts of property tax revenue deemed allocated in the prior fiscal year to the county, cities, and special districts be reduced in accordance with certain formulas. It requires that the revenues not allocated to the county, cities, and special districts as a result of these reductions be transferred to the Educational Revenue Augmentation Fund in that county for allocation to school districts, community college districts, and the county office of education.



Existing law requires the county auditor to decrease, for the fiscal adjustment period, as defined, the amount of ad valorem property tax revenue allocated to a county's Educational Revenue Augmentation Fund by the countywide adjustment amount, as defined, and requires the auditor to instead allocate this amount to the Sales and Use Tax Compensation Fund in the county. Existing law requires, during this same period, the county auditor to allocate moneys from the Sales and Use Tax Compensation Fund to cities and counties to reimburse these entities for local tax revenue losses resulting from a specified statute, as provided. Existing law requires these allocations to be made in a manner that ensures that the amount of ad valorem property tax revenue allocated to cities, counties, and special districts pursuant to specified statutes is not reduced.

This bill would additionally require these allocations to be made in a manner that ensures that the amount of ad valorem property tax revenue allocated to cities, counties, and special districts pursuant to other statutes, with respect to tax equity allocations, is not reduced.

(10) The Vehicle License Fee (VLF) Law establishes, in lieu of any ad valorem property tax upon vehicles, an annual license fee for any vehicle subject to registration in this state in the amount of 2% of the market value of that vehicle, as specified. The VLF Law offsets this amount by 67.5% for vehicle license fees with a final due date on or after July 1, 2001.

Existing law requires the Controller, upon receipt of monthly notification from the Department of Motor Vehicles, to transfer into specified funds in the General Fund, an amount equal to the moneys received as payment of the vehicle license fees plus those amounts necessary to reimburse local governments for losses resulting from the vehicle license fee offset. Existing law requires the VLF offsets to be proportionately reduced within 90 days of a finding that there are insufficient moneys available to be transferred from the General Fund to fully fund the vehicle license fee offsets.

The Controller is required, no later than August 15, 2006, to transfer into a specified account, an amount equal to those amounts of moneys that would have been transferred into that account to reimburse local governments for losses during the 2003–04 fiscal year, but for a finding that insufficient moneys available to be transferred from the General Fund to fully fund the vehicle license fee offsets. Existing law requires the transferred moneys to be allocated from that account in the manner otherwise specified by law.



The Controller is authorized, with the approval of the Department of Finance, to advance to any county or city that entity's share of the vehicle license fee revenues that the entity would have received, but for the finding that insufficient moneys are available to be transferred from the General Fund, if that entity is able to demonstrate that it will experience a hardship, as defined, if the advance is not made.

This bill would appropriate \$40,000,000 from the General Fund to a specified account for the purpose of funding advances to any county or city that is able to demonstrate that it will experience a hardship if that advance is not made.

This bill would provide that certain vehicle license fee revenues are deemed to have been deposited in the Vehicle License Fee Account in the Local Revenue Fund during a specified period and allocated to cities and counties during the 2002–03 fiscal year.

(11) Existing law generally sets forth the duties of the Director of Finance in implementing the Department of Finance's supervision over all matters concerning the financial and business policies of the state.

Existing law generally sets forth the duties of the Treasurer in the receipt and keeping of moneys in the State Treasury, and in the approval of the issuance of bonds, notes, or other evidence of indebtedness by or on behalf of the state.

Existing law generally sets forth the duties of the State Allocation Board in apportioning or allocating specified funds to local agencies for public works projects.

This bill would require the Director of Finance to work with the Treasurer, the State Allocation Board, and any other executive agencies as necessary, to achieve a combined savings of no less than \$50,000,000 in General Fund debt service costs in the 2003–04 and 2004–05 fiscal years.

(12) This bill would require the use of \$685,000 of the amount appropriated in the Budget Act of 2003 to the California Integrated Waste Management Board to fund designated support positions.

(13) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.



This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(14) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14612 of the Government Code is
2 amended to read:
3 14612. (a) The department shall commit itself to achieve
4 improved levels of performance, as specified in this section, by
5 focusing its efforts on enhancing the value of the services it
6 delivers.
7 (b) The department shall commit itself to providing both of the
8 following:
9 (1) Services that the Legislature or Governor requires state
10 agencies to purchase from the department.
11 (2) Services that state agencies are not required to purchase
12 from the department, but that the department can provide on a
13 cost-competitive basis.
14 (c) Notwithstanding any other provision of law, the director or
15 his or her designee, in lieu of the Director of Finance, may approve
16 DGS Form 22 and DGS Form 220, including the extension of time
17 to expend transferred funds, the transfer of funds from one work
18 order to another, and the Return of Funds Document.
19 (d) Notwithstanding Chapter 3 (commencing with Section
20 13940) of Part 4, the director or his or her designee may approve
21 “relief from accountability” for debts owed to the department up
22 to five thousand dollars (\$5,000) when the department determines
23 it cannot collect the debts or when the cost of collection exceeds
24 the amount of the debt.
25 (e) Notwithstanding Section 2807 of the Penal Code, the
26 director or his or her designee may procure goods from the private
27 sector even though the goods may be available from the Prison
28 Industry Authority, when in his or her discretion, it is cost
29 beneficial to do so and if the director or his or her designee

1 continues to include the authority in soliciting quotations for
2 goods.

3 (f) Notwithstanding subdivision (a) of Section 948 and Section
4 965, the director or his or her designee, in lieu of the Director of
5 Finance, may certify funds for payment of all legal settlements and
6 tort claims for which the department already has sufficient
7 expenditure authority and funds without the need for
8 augmentation.

9 (g) Notwithstanding Section 965.2, the director or his or her
10 designee, in lieu of the Director of Finance, may certify funds for
11 payment for all legal court settlements for projects funded from the
12 Architecture Revolving Fund, if a sufficient fund balance exists in
13 the work order to pay the claim and the payment does not require
14 a budget augmentation to complete the project.

15 (h) Notwithstanding Section 14957, the director or his or her
16 designee, in lieu of the Director of Finance, may approve the
17 deposit of checks directly into the Architecture Revolving Fund.
18 The department shall notify the Department of Finance within 30
19 days of the date that the department makes such a deposit.

20 SEC. 2. Section 14612.2 is added to the Government Code, to
21 read:

22 14612.2. (a) Notwithstanding Chapter 7 (commencing with
23 Section 14850) of Part 5.5 of Division 3 of Title 2 of, or Section
24 14901 of, the Government Code, no agency is required to use the
25 Office of State Publishing for its printing needs and the Office of
26 State Publishing may offer printing services to both state and other
27 public agencies, including cities, counties, special districts,
28 community college districts, the California State University, the
29 University of California, and agencies of the United States
30 government. When soliciting bids for printing services from the
31 private sector, all state agencies shall also solicit a bid from the
32 Office of State Publishing when the project is anticipated to cost
33 more than five thousand dollars (\$5,000).

34 (b) This section shall remain operative only until the effective
35 date of the Budget Act of 2004 or July 1, 2004, whichever is later,
36 and as of January 1, 2005, is repealed, unless a later enacted statute
37 that is enacted before January 1, 2005, deletes or extends the dates
38 on which it becomes inoperative and is repealed.



SEC. 3. Section 22825.01 of the Government Code, as amended by Chapter 228 of the Statutes of 2003, is amended to read:

22825.01. (a) As used in this section, the following definitions shall apply:

(1) A “rural area” means an area in which there is no board-approved health maintenance organization plan available for enrollment by state employees or annuitants who live in the area.

(2) “Coinsurance” means the provision of a medical plan design in which the plan or insurer and state employee or annuitant share the cost of hospital or medical expenses at a specified ratio.

(3) A “deductible” means the annual amount of out-of-pocket medical expenses that state employees or annuitants must pay before the insurer or self-funded plan begins paying for expenses.

(4) “Department” means the Department of Personnel Administration.

(5) “Program” means the Rural Health Care Equity Program.

(b) (1) The Rural Health Care Equity Program is hereby established for the purpose of funding the subsidization and reimbursement of premium costs, deductibles, coinsurance, and other out-of-pocket health care costs, which would otherwise be covered if the state employee or annuitant was enrolled in a board-approved health maintenance organization plan, paid by employees and annuitants living in rural areas, as authorized by this section. The program shall be administered by the department or by a third-party administrator approved by the department in a manner consistent with all applicable state and federal laws. The board shall determine the rural area for each subsequent fiscal year at the same meeting when the board approves premiums for health maintenance organizations.

(2) Separate accounts shall be maintained within the program for (A) employees, as defined in subdivision (c) of Section 3513; (B) excluded employees, as defined in subdivision (b) of Section 3527; and (C) annuitants as defined in subdivision (e) of Section 22754.

(c) Moneys in the Rural Health Care Equity Program shall be allocated to the separate accounts as follows:

(1) As the employer’s contribution with respect to each employee, as defined in subdivision (c) of Section 3513, who lives

1 in a rural area and who is otherwise eligible, an amount to be
2 determined through the collective bargaining process.

3 (2) As the employer's contribution with respect to each
4 excluded employee, as defined in subdivision (b) of Section 3527,
5 who lives in a rural area and who is otherwise eligible, an amount
6 equal to, but not to exceed, the amount given to eligible state
7 employees, as defined in subdivision (c) of Section 3513, who live
8 in a rural area.

9 (3) As the employer's contribution with respect to each
10 annuitant, as defined in subdivision (e) of Section 22754, who
11 lives in a rural area, is not a Medicare participant, resides in
12 California, and who is otherwise eligible, an amount not to exceed
13 five hundred dollars (\$500) per year.

14 (4) As to the state's contribution with respect to each state
15 annuitant, as defined in subdivision (e) of Section 22754 who lives
16 in a rural area, resides in California, participates in a
17 board-approved, Medicare-coordinated health plan, participates
18 in a board-approved health plan, and is otherwise eligible, an
19 amount equal to the Medicare Part B premiums incurred by the
20 annuitant, not to exceed seventy-five dollars (\$75) per month. The
21 state shall not reimburse for penalty amounts.

22 (5) As to an employee who enters state service or leaves state
23 service during a fiscal year, contributions for the employee shall
24 be made on a pro rata basis. A similar computation shall be used
25 for anyone entering or leaving the bargaining unit, including a
26 person who enters the bargaining unit by promotion in mid-fiscal
27 year.

28 (d) Each fund of the State Treasury, other than the General
29 Fund, shall reimburse the General Fund for any sums allocated
30 pursuant to subdivision (c) for employees whose compensation is
31 paid from that fund. That reimbursement shall be accomplished
32 using the following methodology:

33 (1) On or before December 1 of each year, the Department of
34 Personnel Administration shall provide a listing of active state
35 employees who participated in the Rural Health Care Equity
36 Program in the immediately preceding fiscal year to each
37 employing department.

38 (2) On or before January 15 of each year, every department that
39 employed an active state employee identified by the Department
40 of Personnel Administration as a participant in the Rural Health

Care Equity Program shall provide the Department of Personnel Administration with a listing of the funds used to pay each employee's salary, along with the proportion of each active state employee's salary attributable to each fund.

(3) Using the information provided by the employing departments, the Department of Personnel Administration shall compile a listing of Rural Health Care Equity Program payments attributable to each fund. On or before February 15 of each year, the Department of Personnel Administration shall transmit this list to the Department of Finance.

(4) The Department of Finance shall certify to the Controller the amount to be transferred from the unencumbered balance of each fund to the General Fund.

(5) The Controller shall transfer to the General Fund from the unencumbered fund balance of each impacted fund the amount specified by the Department of Finance.

(6) To ensure the equitable allocation of costs, the Director of the Department of Personnel Administration or the Director of Finance may require an audit of departmental reports.

(e) For any sums allocated pursuant to subdivision (c) for annuitants, funds, other than the General Fund, shall be charged a fair share of the state's contribution in accordance with the provisions of Article 2 (commencing with Section 11270) of Chapter 3 of Part 1 of Division 3 of Title 2. On or before July 31 of each year, the Department of Personnel Administration shall provide the Department of Finance with the total costs allocated pursuant to subdivision (c) for annuitants in the immediately preceding fiscal year. The reported costs shall not include expenses that have been incurred but not claimed as of July 31.

(f) Notwithstanding any other provision of law and subject to the availability of funds, moneys within the Rural Health Care Equity Program shall be disbursed for the benefit of an employee who lives in a rural area and who is otherwise eligible. The disbursements shall, where there is no board-approved health maintenance organization plan available in an area that is open for enrollment for the employee, (1) subsidize the preferred provider plan premiums for the employee, by an amount equal to the difference between the weighted average of board-approved health maintenance organization premiums and the lowest board-approved preferred provider plan premium available under

1 this part and (2) reimburse the employee for a portion or all of his
2 or her incurred deductibles, coinsurances, and other out-of-pocket
3 health-related expenses, that would otherwise be covered if the
4 employee were enrolled in a board-approved health maintenance
5 organization plan.

6 These subsidies and reimbursements shall be provided
7 according to a plan determined by the department, which may
8 include, but is not limited to, a supplemental insurance plan, a
9 medical reimbursement account, or a medical spending account
10 plan.

11 (g) Notwithstanding any other provision of law and subject to
12 the availability of funds, moneys within the Rural Health Care
13 Equity Program shall be disbursed for the benefit of eligible
14 annuitants, as defined in subdivision (e) of Section 22754, who
15 live in rural areas, reside in California, and who are otherwise
16 eligible. The disbursements shall, where there is no
17 board-approved health maintenance organization plan available
18 and open to enrollment by the annuitant, either (1) reimburse the
19 annuitant if he or she is not a Medicare participant, for some or all
20 of his or her deductibles, not to exceed five hundred dollars (\$500)
21 per fiscal year, or (2) reimburse Medicare Part B premiums
22 incurred by the annuitant, not to exceed seventy-five dollars (\$75)
23 per month, exclusive of penalties. These reimbursements shall be
24 provided by the department. Notwithstanding any other provision
25 of law, any annuitant who cannot be located within a period of
26 three months and whose disbursement is returned to the Controller
27 as unclaimed is ineligible to participate in the program.

28 The state shall not reimburse for penalty amounts.

29 (h) Any moneys remaining in any account of the program at the
30 end of any fiscal year shall remain in the account for use in
31 subsequent fiscal years until the account is terminated. Moneys
32 remaining in any account of the program upon termination, after
33 payment of all outstanding expenses and claims incurred prior to
34 the date of termination, shall be deposited in the General Fund.

35 (i) The Legislature finds and declares that the Rural Health
36 Care Equity Program is established for the exclusive benefit of
37 employees, annuitants, and family members.

38 (j) The amendments made to this section by Chapter 228 of the
39 Statutes of 2003, as further amended by a subsequently chaptered
40 bill in the first year of the 2003–04 Regular Session, shall become

operative on January 1, 2004. This section shall cease to be operative on January 1, 2005, or on an earlier date as the board makes a formal determination that HMOs are no longer the most cost-effective health care plans offered by the board.

SEC. 3.1. Section 25350.8 of the Government Code is amended to read:

25350.8. (a) Taxes collected by the State Board of Equalization pursuant to Section 7204 of the Revenue and Taxation Code, that are derived from that portion of the taxes imposed by the County of Orange in excess of 1 percent, and for the period beginning on and after July 1, 2004, and ending when the rate modifications in subdivision (a) of Section 7203.1 of the Revenue and Taxation Code cease to apply, that are derived from that portion of the taxes imposed by that county in excess of one-half of 1 percent, pursuant to Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code, and that are permitted to be deposited to the general fund of the county pursuant to paragraph (1) of subdivision (a) of Section 29530.5 shall be pledged, without the necessity for specific authorization of the pledge by the board of supervisors, to all certificates of participation or lease revenue bonds executed and delivered or issued, as the case may be, during the years 1996 and 1997, including obligations executed and delivered or issued before 2010, to refund those certificates of participation or lease revenue bonds, to finance or refinance the lease or lease-purchase of property of the county and having a stated maturity of 20 years or more. Any refunding obligations may not have a final maturity later than the final maturity of the refunded obligations. The amount so pledged with respect to any fiscal year of the county may not exceed the amounts to be paid in that fiscal year on those certificates or lease revenue bonds.

(b) The pledge of taxes pursuant to this section shall constitute a contract between the County of Orange and the owners of any of the certificates of participation or lease revenue bonds and shall be protected from impairment by the United States and California Constitutions. The state hereby covenants with the owners of any certificates of participation or lease revenue bonds entitled to the pledge granted by this section that, as long as any of the certificates of participation or lease revenue bonds entitled to the pledge granted by this section shall remain outstanding, (1) the provisions

1 of Section 7202 that authorize the imposition of the taxes may not
2 be repealed and (2) the provisions of paragraph (1) of subdivision
3 (a) of Section 29530.5 may not be repealed prior to July 1, 2011,
4 nor may either section be altered or amended in any manner that
5 would adversely affect the security of, or the ability of the county
6 to pay, the principal of and interest on the certificates of
7 participation or lease revenue bonds entitled to the pledge granted
8 by this section. However, nothing precludes any alteration or
9 amendment if and when adequate provision has been made by law
10 for the protection from impairment of the contract represented by
11 the certificates of participation or lease revenue bonds, and the
12 right to so alter or amend is hereby reserved. The county may
13 include this covenant of the state in the agreements or other
14 documents underlying the certificates of participation or lease
15 revenue bonds.

16 SEC. 3.2. Section 25350.85 of the Government Code is
17 amended to read:

18 25350.85. (a) Taxes collected by the State Board of
19 Equalization pursuant to Section 7204 of the Revenue and
20 Taxation Code, that are derived from that portion of the taxes
21 imposed by a county of the second class in excess of 1 percent, and
22 for the period beginning on and after July 1, 2004, and ending
23 when the rate modifications in subdivision (a) of Section 7203.1
24 of the Revenue and Taxation Code cease to apply, that are derived
25 from that portion of the taxes imposed by that county in excess of
26 one-half of 1 percent, pursuant to Part 1.5 (commencing with
27 Section 7200) of Division 2 of the Revenue and Taxation Code,
28 and that are permitted to be deposited in the general fund of a
29 county pursuant to paragraph (1) of subdivision (a) of Section
30 29530.6 shall be pledged, without the necessity for specific
31 authorization of the pledge by the board of supervisors, to all
32 certificates of participation or lease revenue bonds executed and
33 delivered or issued, as the case may be, during the year 1996,
34 including obligations executed and delivered or issued before
35 2010 to refund those certificates of participation or lease revenue
36 bonds, to finance or refinance the lease or lease-purchase of
37 property of the county and having a stated maturity of 20 years or
38 more. Any refunding obligations may not have a final maturity
39 later than the final maturity of the refunded obligations. The
40 amount so pledged with respect to any fiscal year of the county

may not exceed the amount to be paid in that fiscal year on those certificates or lease revenue bonds.

(b) The pledge of taxes pursuant to this section shall constitute a contract between a county of the second class and the owners of any of the certificates of participation or lease revenue bonds and shall be protected from impairment by the United States and California Constitutions. The state hereby covenants with the owners of any certificates of participation or lease revenue bonds entitled to the pledge granted by this section that, so long as any of the certificates of participation or lease revenue bonds entitled to the pledge granted by this section shall remain outstanding, (1) the provisions of Section 7202 that authorize the imposition of the taxes may not be repealed and (2) the provisions of paragraph (1) of subdivision (a) of Section 29530.6 may not be repealed prior to July 1, 2011, nor may either section be altered or amended prior to that date in any manner that would adversely affect the security of, or the ability of the county to pay, the principal of and interest on the certificates of participation or lease revenue bonds entitled to the pledge granted by this section. However, nothing precludes any alteration or amendment if and when adequate provision has been made by law for the protection from impairment of the contract represented by the certificates of participation or lease revenue bonds, and the right to so alter or amend is hereby reserved. The county may include this covenant of the state in the agreements or other documents underlying the certificates of participation or lease revenue bonds.

SEC. 3.3. Section 25350.10 of the Government Code is amended to read:

25350.10. (a) Taxes collected by the State Board of Equalization pursuant to Section 7204 of the Revenue and Taxation Code, that are derived from the taxes imposed by the County of Orange pursuant to Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code, other than that portion of those taxes specified in Section 29530.5, and any moneys allocated from the Sales and Use Tax Compensation Fund to the County of Orange pursuant to Section 97.68 of the Revenue and Taxation Code, shall be pledged, without the necessity for specific authorization of the pledge by the board of supervisors, to all certificates of participation or lease revenue bonds executed and delivered or issued, as the case may be, during the years 1996

1 and 1997, including obligations executed and delivered or issued
2 before 2010, to refund those certificates of participation or lease
3 revenue bonds, to finance or refinance the lease or lease-purchase
4 of property of the county and having a stated maturity of 20 years
5 or more. Any refunding obligations may not have a final maturity
6 later than the final maturity of the refunded obligations. The
7 amount so pledged with respect to any fiscal year of the county
8 may not exceed the amounts to be paid in the fiscal year on those
9 certificates or lease revenue bonds.

10 (b) The pledge of taxes pursuant to this section shall constitute
11 a contract between the county and the owners of any of the
12 certificates of participation or lease revenue bonds and shall be
13 protected from impairment by the United States and California
14 Constitutions. The state hereby covenants with the owners of any
15 certificates of participation or lease revenue bonds entitled to the
16 pledge granted by this section that, as long as any of the certificates
17 of participation or lease revenue bonds entitled to the pledge
18 granted by this section shall remain outstanding, the provisions of
19 Section 7202 of the Revenue and Taxation Code that authorize the
20 imposition of the taxes may not be repealed. That section may not
21 be altered or amended in any manner that would adversely affect
22 the security of, or the ability of the county to pay, the principal of
23 and interest on the certificates of participation or lease revenue
24 bonds entitled to the pledge granted by this section. However,
25 nothing precludes any alteration or amendment if and when
26 adequate provision has been made by law for the protection from
27 impairment of the contract represented by the certificates of
28 participation or lease revenue bonds, and the right to so alter or
29 amend is hereby reserved. The county may include this covenant
30 of the state in the agreements or other documents underlying the
31 certificates of participation or lease revenue bonds.

32 SEC. 3.4. Section 25350.105 of the Government Code is
33 amended to read:

34 25350.105. (a) Taxes collected by the State Board of
35 Equalization pursuant to Section 7204 of the Revenue and
36 Taxation Code, that are derived from the taxes imposed by a
37 county of the second class pursuant to Part 1.5 (commencing with
38 Section 7200) of Division 2 of the Revenue and Taxation Code,
39 other than that portion of those taxes specified in Section 29530.6,
40 and any moneys allocated from the Sales and Use Tax

1 Compensation Fund to the county of the second class pursuant to
2 Section 97.68 of the Revenue and Taxation Code, shall be pledged,
3 without the necessity for specific authorization of the pledge by the
4 board of supervisors, to all certificates of participation or lease
5 revenue bonds executed and delivered or issued, as the case may
6 be, during the year 1996, including obligations executed and
7 delivered or issued before 2010 to refund those certificates of
8 participation or lease revenue bonds, to finance the lease or
9 lease-purchase of property of the county and having a stated
10 maturity of 20 years or more. Any refunding obligation may not
11 have a final maturity later than the final maturity of the refunded
12 obligations. The amount so pledged with respect to any fiscal year
13 of the county may not exceed the amounts to be paid in the fiscal
14 year on those certificates or lease revenue bonds.

15 (b) The pledge of taxes pursuant to this section shall constitute
16 a contract between the county and the owners of any of the
17 certificates of participation or lease revenue bonds and shall be
18 protected from impairment by the United States and California
19 Constitutions. The state hereby covenants with the owners of any
20 certificates of participation or lease revenue bonds entitled to the
21 pledge granted by this section that, as long as any of the certificates
22 of participation or lease revenue bonds entitled to the pledge
23 granted by this section shall remain outstanding, the provisions of
24 Section 7202 of the Revenue and Taxation Code that authorize the
25 imposition of the taxes may not be repealed. However, nothing
26 precludes any alteration or amendment if and when adequate
27 provision has been made by law for the protection from
28 impairment of the contract represented by the certificates of
29 participation or lease revenue bonds, and the right to so alter or
30 amend is hereby reserved. The county may include this covenant
31 of the state in the agreements or other documents underlying the
32 certificates of participation or lease revenue bonds.

33 SEC. 3.5. Section 26826.4 of the Government Code is
34 amended to read:

35 26826.4. (a) In addition to the first appearance fee required
36 by Section 26820.4 or 72055, a complex case fee shall be paid to
37 the clerk at the time of the filing of the first paper if the case is
38 designated as complex pursuant to the California Rules of Court.
39 However, the total complex fees collected from all plaintiffs

1 appearing in a complex case shall not exceed ten thousand dollars
2 (\$10,000).

3 (b) In addition to the first appearance fee required under
4 Section 26826 or 72056, a complex case fee shall be paid on behalf
5 of each defendant, intervenor, respondent, or adverse party,
6 whether filing separately or jointly, at the time that party files its
7 first paper in a case if the case is designated or counterdesignated
8 as complex pursuant to the California Rules of Court. This
9 additional complex fee shall be charged to each defendant,
10 intervenor, respondent, or adverse party appearing in the case, but
11 the total complex fees collected from all the defendants,
12 intervenors, respondents, or other adverse parties appearing in a
13 complex case shall not exceed ten thousand dollars (\$10,000).

14 (c) In each case in which a court determines that the case is a
15 complex case pursuant to the California Rules of Court, all parties
16 who have not paid the fees required under subdivision (a) or (b)
17 shall pay the complex case fee prescribed by those subdivisions to
18 the clerk of the court within 10 calendar days of the filing of the
19 court's order.

20 (d) In each case in which the court determines that a case that
21 has been designated or counterdesignated as complex is not a
22 complex case, the court shall order reimbursement to the parties
23 of the amount of any complex case fees that the parties have
24 previously paid pursuant to subdivision (a) or (b).

25 (e) (1) In each case determined to be complex in which the
26 total fees actually collected exceed, or if collected would exceed,
27 the limit in subdivision (a), the court shall make any order as is
28 necessary to ensure that the total complex fees paid by the
29 plaintiffs appearing in the case do not exceed the limit and that the
30 complex fees paid by the plaintiffs are apportioned fairly among
31 the plaintiffs.

32 (2) In each case determined to be complex in which the total
33 fees actually collected exceed, or if collected would exceed, the
34 limit in subdivision (b), the court shall make any order as is
35 necessary to ensure that the total complex fees paid by the
36 defendants, intervenors, respondents, or other adverse parties
37 appearing in the case do not exceed the limit and that the complex
38 fees paid by those parties are apportioned fairly among those
39 parties.

(f) The complex case fee established by this section shall be five hundred dollars (\$500), unless the fee is reduced pursuant to this section. The fee shall be deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(g) The fees provided by this section shall be subject to the surcharge imposed by Section 68087.

(h) The fees provided by this section are in addition to the total filing fee authorized by Section 26820.4, 26826, 72055, or 72056, or any other fee authorized by law.

(i) Failure to pay the fees required by this section shall have the same effect as the failure to pay a filing fee, and shall be subject to the same enforcement and penalties.

(j) The complex fees provided for in this section shall be charged in all complex cases filed on or after August 18, 2003.

(k) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 4. Section 26827 of the Government Code, as amended by Chapter 159 of the Statutes of 2003, is amended to read:

26827. (a) The total fee for filing the first petition for letters of administration or letters testamentary, or the first petition for special letters of administration with the powers of a general personal representative pursuant to Section 8545 of the Probate Code, or a first account of a testamentary trustee of a trust that is subject to the continuing jurisdiction of the court pursuant to Chapter 4 (commencing with Section 17300) of Part 5 of Division 9 of the Probate Code is, as follows:

(1) One hundred eighty-five dollars (\$185) for estates or trusts under two hundred fifty thousand dollars (\$250,000).

(2) Two hundred fifty dollars (\$250) for estates or trusts of at least two hundred fifty thousand dollars (\$250,000) and less than five hundred thousand dollars (\$500,000).

(3) Three hundred fifty dollars (\$350) for estates or trusts of at least five hundred thousand dollars (\$500,000) and less than seven hundred fifty thousand dollars (\$750,000).

(4) Five hundred dollars (\$500) for estates or trusts of at least seven hundred fifty thousand dollars (\$750,000) and less than one million dollars (\$1,000,000).

1 (5) One thousand dollars (\$1,000) for estates or trusts of at least
2 one million dollars (\$1,000,000) and less than one million five
3 hundred thousand dollars (\$1,500,000).

4 (6) Two thousand dollars (\$2,000) for estates or trusts of at least
5 one million five hundred thousand dollars (\$1,500,000) and less
6 than two million dollars (\$2,000,000).

7 (7) Two thousand five hundred dollars (\$2,500) for estates or
8 trusts of at least two million dollars (\$2,000,000) and less than two
9 million five hundred thousand dollars (\$2,500,000).

10 (8) Three thousand five hundred dollars (\$3,500) for estates or
11 trusts of at least two million five hundred thousand dollars
12 (\$2,500,000) and less than three million five hundred thousand
13 dollars (\$3,500,000).

14 (9) Three thousand five hundred dollars (\$3,500) plus 0.2
15 percent of the amount over three million five hundred thousand
16 dollars (\$3,500,000) for estates or trusts of three million five
17 hundred thousand dollars (\$3,500,000) or more.

18 (b) The petitioner under subdivision (a) shall estimate the fair
19 market value of the decedent's estate at the date of the decedent's
20 death in the petition, without reference to encumbrances or other
21 obligations on estate property. The filing fee shall be determined
22 based on the estimate by the petitioner at the time the petition is
23 filed. If the final appraised value of the decedent's estate would
24 result in a filing fee different from the filing fee actually paid, an
25 adjustment shall be made at the time of the final account, under
26 rules adopted by the Judicial Council. The filing fee for a trustee
27 under subdivision (a) shall be based on the value of the trust shown
28 in the first account.

29 (c) The total fee for filing the first petition for special letters of
30 administration without the powers of a general personal
31 representative, the first petition for letters of guardianship or
32 letters of conservatorship, a petition for compromise of a minor's
33 claim, a petition pursuant to Section 13151 of the Probate Code,
34 a petition pursuant to Section 13650 of the Probate Code, except
35 as provided in Section 13652 of the Probate Code, or a petition to
36 contest any will or codicil is one hundred eighty-five dollars
37 (\$185).

38 (d) A fee of one hundred eighty-five dollars (\$185) shall also
39 be charged for filing any subsequent petition of a type described
40 in subdivision (a) or (c) in the same proceeding by a person other

1 than the original petitioner. If a person is appointed on a
2 subsequent petition and qualifies as administrator, executor, or
3 special administrator with the powers of a general personal
4 representative under subdivision (a), the successful personal
5 representative shall reimburse the original petitioner in excess of
6 one hundred eighty-five dollars (\$185), less any unpaid costs
7 awarded to the successful petitioner against the original petitioner,
8 under rules adopted by the Judicial Council. The reimbursement
9 shall be an expense of administration in the estate.

10 (e) This section shall become inoperative on July 1, 2006, and,
11 as of January 1, 2007, is repealed, unless a later enacted statute that
12 is enacted before January 1, 2007, deletes or extends the dates on
13 which it becomes inoperative and is repealed.

14 SEC. 5. Section 68086 of the Government Code, as amended
15 by Chapter 159 of the Statutes of 2003, is amended to read:

16 68086. (a) The following provisions apply in superior court:

17 (1) In addition to any other fee required in civil actions or cases,
18 for each proceeding lasting more than one hour, a fee equal to the
19 actual cost of providing that service shall be charged per one-half
20 day of services to the parties, on a pro rata basis, for the services
21 of an official reporter on the first and each succeeding judicial day
22 those services are provided pursuant to Section 269 of the Code of
23 Civil Procedure.

24 (2) All parties shall deposit their pro rata shares of these fees
25 with the clerk of the court as specified by the court, but not later
26 than the conclusion of each day's court session.

27 (3) For purposes of this section, "one-half day" means any
28 period of judicial time, in excess of one hour but not more than four
29 hours, during either the morning or afternoon court session.

30 (4) In addition to the fees authorized by Sections 26820.4,
31 26826, 72055, and 72056, a one-time fee of twenty-five dollars
32 (\$25) for the cost of the services of an official reporter shall be
33 charged upon the filing of a first paper in a civil action or
34 proceeding in the superior court, unless the amount demanded,
35 excluding attorney's fees and costs, is ten thousand dollars
36 (\$10,000) or less. No additional fee shall be charged to a party for
37 the cost of the services of an official reporter in proceedings lasting
38 one hour or less.

1 (5) The costs for the services of the official reporter shall be
2 recoverable as taxable costs by the prevailing party as otherwise
3 provided by law.

4 (6) The Judicial Council shall adopt rules to ensure all of the
5 following:

6 (A) That parties are given adequate and timely notice of the
7 availability of an official reporter.

8 (B) That if an official reporter is not available, a party may
9 arrange for the presence of a certified shorthand reporter to serve
10 as an official pro tempore reporter, the costs therefore recoverable
11 as provided in paragraph (5).

12 (C) That if the services of an official pro tempore reporter are
13 utilized pursuant to subparagraph (B), no other charge will be
14 made to the parties.

15 (b) The fees collected pursuant to this section shall only be used
16 to pay the cost for services of an official reporter in civil
17 proceedings.

18 (c) The Judicial Council shall report on or before February 1 of
19 each year to the Joint Legislative Budget Committee on the total
20 fees collected and the total amount spent for official court reporter
21 services in civil proceedings in the prior fiscal year.

22 SEC. 6. Section 68933 of the Government Code, as added by
23 Chapter 159 of the Statutes of 2003, is amended to read:

24 68933. (a) There is hereby established the Appellate Court
25 Trust Fund, the proceeds of which shall be used for the purpose of
26 funding the courts of appeal and the Supreme Court.

27 (b) The fund, upon appropriation by the Legislature, shall be
28 apportioned by the Judicial Council to the courts of appeal and the
29 Supreme Court as determined by the Judicial Council, taking into
30 consideration all other funds available to each court and the needs
31 of each court, in a manner that promotes equal access to the courts,
32 ensures the ability of the courts to carry out their functions, and
33 promotes implementation of statewide policies.

34 (c) Notwithstanding any other provision of law, the fees listed
35 in subdivision (d) shall all be transmitted for deposit in the
36 Appellate Court Trust Fund within the State Treasury.

37 (d) This section applies to all fees collected pursuant to Section
38 68926, excluding that portion subject to Section 68926.3;
39 subdivision (b) of Section 68926.1; and Sections 68927, 68928,
40 68929, 68930, and 68932.

1 (e) The Appellate Court Trust Fund shall be invested in the
2 Surplus Money Investment Fund and all interest earned shall be
3 allocated to the Appellate Court Trust Fund semiannually and used
4 as specified in this section.

5 SEC. 7. Section 69926.5 of the Government Code is amended
6 to read:

7 69926.5. (a) To ensure and maintain adequate funding for
8 court security, a surcharge of twenty dollars (\$20) is added to the
9 total fee collected pursuant to Section 26820.4, 26826, 26827,
10 72055, or 72056.

11 (b) In addition to the surcharge in subdivision (a), a surcharge
12 of twenty dollars (\$20) is added to the total filing fee collected in
13 a case pursuant to Section 26820.4, 26826, or 26827, a surcharge
14 of twenty dollars (\$20) is added to the total filing fee collected in
15 a limited civil case pursuant to Section 72055 or 72056 where the
16 amount demanded, excluding attorney's fees and costs, is in excess
17 of ten thousand dollars (\$10,000), and a surcharge of ten dollars
18 (\$10) is added to the total filing fee collected in a limited civil case
19 pursuant to Section 72055 or 72056 where the amount demanded,
20 excluding attorney's fees and costs, is ten thousand dollars
21 (\$10,000), or less. The surcharges in this subdivision shall be
22 collected in cases filed from January 1, 2004, to June 30, 2004,
23 inclusive. The purpose of this surcharge is to stabilize funding for
24 court security at the current level and is not intended to increase
25 the funding available for court security in the 2003–04 fiscal year.

26 (c) Notwithstanding any other provision of law, the surcharges
27 collected pursuant to subdivisions (a) and (b) shall all be deposited
28 in a special account in the county treasury, and transmitted
29 therefrom monthly to the State Controller for deposit in the Trial
30 Court Trust Fund.

31 SEC. 8. Section 62.5 of the Labor Code is amended to read:

32 62.5. (a) The Workers' Compensation Administration
33 Revolving Fund is hereby created as a special account in the State
34 Treasury. Money in the fund may be expended by the department,
35 upon appropriation by the Legislature, for the administration of
36 the workers' compensation program set forth in this division and
37 Division 4 (commencing with Section 3200), other than the
38 activities financed pursuant to Section 3702.5, and may not be
39 used for any other purpose.

(b) The fund shall consist of assessments made pursuant to subdivision (e). Costs to the program shall be shared on a proportional basis between the General Fund and employer assessments. The General Fund appropriation shall account for 80 percent and employer assessments shall account for 20 percent of the total costs of the program.

(c) (1) The Uninsured Employers Benefits Trust Fund is hereby created as a special trust fund account in the State Treasury, of which the director is trustee, and its sources of funds are as provided in subdivision (e). Notwithstanding Section 13340 of the Government Code, the fund is continuously appropriated for the payment of nonadministrative expenses of the workers' compensation program for workers injured while employed by uninsured employers in accordance with Article 2 (commencing with Section 3710) of Chapter 4 of Part 1 of Division 4, and shall not be used for any other purpose. All moneys collected shall be retained in the trust fund until paid as benefits to workers injured while employed by uninsured employers. Nonadministrative expenses include audits and reports of services prepared pursuant to subdivision (b) of Section 3716.1. The assessment amount for this fund shall be stated separately.

(2) Notwithstanding any other provision of law, all references to the Uninsured Employers Fund shall mean the Uninsured Employers Benefits Trust Fund.

(3) Notwithstanding paragraph (1), in the event that budgetary restrictions or impasse prevent the timely payment of administrative expenses from the Workers' Compensation Administration Revolving Fund, those expenses shall be advanced from the Uninsured Employers Benefits Trust Fund. Expense advances made pursuant to this paragraph shall be reimbursed in full to the Uninsured Employers Benefits Trust Fund upon enactment of the annual Budget Act.

(d) (1) The Subsequent Injuries Benefits Trust Fund is hereby created as a special trust fund account in the State Treasury, of which the director is trustee, and its sources of funds are as provided in subdivision (e). Notwithstanding Section 13340 of the Government Code, the fund is continuously appropriated for the nonadministrative expenses of the workers' compensation program for workers who have suffered serious injury and who are suffering from previous and serious permanent disabilities or

1 physical impairments, in accordance with Article 5 (commencing
2 with Section 4750) of Chapter 2 of Part 2 of Division 4, and
3 Section 4 of Article XIV of the California Constitution, and shall
4 not be used for any other purpose. All moneys collected shall be
5 retained in the trust fund until paid as benefits to workers who have
6 suffered serious injury and who are suffering from previous and
7 serious permanent disabilities or physical impairments.
8 Nonadministrative expenses include audits and reports of services
9 pursuant to subdivision (c) of Section 4755. The assessment
10 amount for this fund shall be stated separately.

11 (2) Notwithstanding any other provision of law, all references
12 to the Subsequent Injuries Fund shall mean the Subsequent
13 Injuries Benefits Trust Fund.

14 (3) Notwithstanding paragraph (1), in the event that budgetary
15 restrictions or impasse prevent the timely payment of
16 administrative expenses from the Workers' Compensation
17 Administration Revolving Fund, those expenses shall be advanced
18 from the Subsequent Injuries Benefits Trust Fund. Expense
19 advances made pursuant to this paragraph shall be reimbursed in
20 full to the Subsequent Injuries Benefits Trust Fund upon
21 enactment of the annual Budget Act.

22 (e) (1) Separate assessments shall be levied by the director
23 upon all employers as defined in Section 3300 for purposes of
24 deposit in the Workers' Compensation Administration Revolving
25 Fund, the Uninsured Employers Benefits Trust Fund, and the
26 Subsequent Injuries Benefits Trust Fund. The total amount of the
27 assessments shall be allocated between self-insured employers and
28 insured employers in proportion to payroll respectively paid in the
29 most recent year for which payroll information is available. The
30 director shall adopt reasonable regulations governing the manner
31 of collection of the assessments. The regulations shall require the
32 assessments to be paid by self-insurers to be expressed as a
33 percentage of indemnity paid during the most recent year for
34 which information is available, and the assessments to be paid by
35 insured employers to be expressed as a percentage of premium. In
36 no event shall the assessments paid by insured employers be
37 considered a premium for computation of a gross premium tax or
38 agents' commission.

39 (2) The regulations adopted pursuant to paragraph (1) shall be
40 exempt from the rulemaking provisions of the Administrative

1 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
2 Part 1 of Division 3 of Title 2 of the Government Code).

3 SEC. 9. Section 6611 of the Public Contract Code is amended
4 to read:

5 6611. (a) Notwithstanding any other provision of law, the
6 Department of General Services may, relative to contracts for
7 goods, services, information technology, and
8 telecommunications, use a negotiation process if the department
9 finds that one or more of the following conditions exist:

10 (1) The business need or purpose of a procurement *or* contract
11 can be further defined as a result of a negotiation process.

12 (2) The business need or purpose of a procurement *or* contract
13 is known by the department, but a negotiation process may identify
14 different types of solutions to fulfill this business need or purpose.

15 (3) The complexity of the purpose or need suggests a bidder's
16 costs to prepare and develop a solicitation response are extremely
17 high.

18 (4) The business need or purpose of a procurement *or* contract
19 is known by the department, but negotiation is necessary to ensure
20 that the department is receiving the best value or the most
21 cost-efficient goods, services, information technology, and
22 telecommunications.

23 (b) When it is in the best interests of the state, the department
24 may negotiate amendments to the terms and conditions, including
25 scope of work, of existing contracts for goods, services,
26 information technology, and telecommunications, whether or not
27 the original contract was the result of competition, on behalf of
28 itself or another state agency.

29 (c) (1) The department shall establish the procedures and
30 guidelines for the negotiation process described in subdivision (a),
31 which procedures and guidelines shall include, but not be limited
32 to, a clear description of the methodology that will be used by the
33 department to evaluate a bid for the procurement goods, services,
34 information technology, and telecommunications.

35 (2) The procedures and guidelines described in paragraph (1)
36 may include provisions that authorize the department to receive
37 supplemental bids after the initial bids are opened. If the
38 procedures and guidelines include these provisions, the
39 procedures and guidelines shall specify the conditions under
40 which supplemental bids may be received by the department.

(d) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 9.3. Section 40409 of the Public Resources Code, as added by Chapter 228 of the Statutes of 2003, is repealed:

SEC. 9.5. Section 40433 of the Public Resources Code, as amended by Chapter 228 of the Statutes of 2003, is amended to read:

40433. The Governor shall appoint one adviser for each member of the board upon the recommendation of the board member.

SEC. 10. Section 97.46 is added to the Revenue and Taxation Code, to read:

97.46. Notwithstanding subdivision (d) of Section 97.2 and subdivision (d) of Section 97.3, the revenue deposited in the Educational Revenue Augmentation Fund pursuant to Section 33681.9 of the Health and Safety Code shall be allocated as follows:

(a) To county offices of education, the amount of those revenues that would be allocated pursuant to paragraph (1) of subdivision (d) of Section 97.2 and paragraph (1) of subdivision (d) of Section 97.3 multiplied by 1.85185.

(b) To community college districts, the amount of those revenues that would be allocated pursuant to paragraph (1) of subdivision (d) of Section 97.2 and paragraph (1) of subdivision (d) of Section 97.3 multiplied by 1.85185.

(c) To school districts the remainder after the allocations made in subdivisions (a) and (b).

SEC. 11. Section 97.68 of the Revenue and Taxation Code is amended to read:

97.68. Notwithstanding any other provision of law, in allocating ad valorem property tax revenue allocations for each fiscal year during the fiscal adjustment period, all of the following apply:

(a) (1) The total amount of ad valorem property tax revenue otherwise required to be allocated to a county's Educational Revenue Augmentation Fund shall be reduced by the countywide adjustment amount.

(2) The countywide adjustment amount shall be deposited in a Sales and Use Tax Compensation Fund that shall be established in the treasury of each county.

(b) For purposes of this section, the following definitions apply:

(1) “Fiscal adjustment period” has the same meaning as “revenue exchange period” as defined in subdivision (b) of Section 7203.1.

(2) “Countywide adjustment amount” means the combined total revenue loss of the county and each city in the county that is annually estimated by the Director of Finance, based on the taxable sales in that county in the prior fiscal year as determined by the State Board of Equalization and reported to the director on or before August 15 of each fiscal year during the fiscal adjustment period, to result for each of those fiscal years from the 0.5 percent reduction in local sales and use rate tax authority applied by Section 7203.1.

(c) For each fiscal year during the fiscal adjustment period, moneys in the Sales and Use Tax Compensation Fund shall be allocated among the county and the cities in the county, and those allocations shall be subsequently adjusted, as follows:

(1) The Director of Finance shall, on or before September 1 of each fiscal year during the fiscal adjustment period, notify each county auditor of that portion of the countywide adjustment amount for that fiscal year that is attributable to the county and to each city within that county.

(2) The county auditor shall allocate revenues in the Sales and Use Tax Compensation Fund among the county and cities in the county in the amounts described in paragraph (1). The auditor shall allocate one-half of the amount described in paragraph (1) in each January during the fiscal adjustment period and shall allocate the balance of that amount in each May during the fiscal adjustment period.

(3) After the end of each fiscal year during the fiscal adjustment period, other than a fiscal year subject to subdivision (d), the Director of Finance shall, based on the actual taxable sales for the prior fiscal year, recalculate each amount estimated under paragraph (1) and notify the county auditor of the recalculated amount.

1 (4) If the amount recalculated under paragraph (3) for the
2 county or any city in the county is greater than the amount
3 allocated to that local agency under paragraph (2), the county
4 auditor shall, in the fiscal year next following the fiscal year for
5 which the allocation was made, transfer an amount of ad valorem
6 property tax revenue equal to this difference from the Sales and
7 Use Tax Compensation Fund to that local agency.

8 (5) If the amount recalculated under paragraph (3) for the
9 county or any city in the county is less than the amount allocated
10 to that local agency under paragraph (2), the county auditor shall,
11 in the fiscal year next following the fiscal year for which the
12 allocation was made, reduce the total amount of ad valorem
13 property tax revenue otherwise allocated to that city or county
14 from the Sales and Use Tax Compensation Fund by an amount
15 equal to this difference and instead allocate this difference to the
16 county Educational Revenue Augmentation Fund.

17 (6) If there is an insufficient amount of moneys in a county's
18 Sales and Use Tax Compensation Fund to make the transfers
19 required by paragraph (4), the county auditor shall transfer from
20 the county Educational Revenue Augmentation Fund an amount
21 sufficient to make the full amount of these transfers.

22 (d) (1) If Section 7203.1 ceases to be operative during any
23 calendar quarter that is not the calendar quarter in which the fiscal
24 year begins, the excess amount, as defined in paragraph (2), of the
25 county and each city in the county shall be reallocated from each
26 of those local agencies to the Educational Revenue Augmentation
27 Fund.

28 (2) For purposes of this subdivision, "excess amount" means
29 the product of both of the following:

30 (A) The total amount of ad valorem property tax revenue
31 allocated to that local agency pursuant to paragraph (2) of
32 subdivision (c).

33 (B) That percentage of the fiscal year in which Section 7203.1
34 is not operative.

35 (e) For the 2005–06 fiscal year and each fiscal year thereafter,
36 the amounts determined under subdivision (a) of Section 96.1, or
37 any successor to that provision, may not reflect any portion of any
38 property tax revenue allocation required by this section for a
39 preceding fiscal year.

(f) This section may not be construed to do any of the following:

(1) Reduce any allocations of excess, additional, or remaining funds that would otherwise have been allocated to cities, counties, cities and counties, or special districts pursuant to clause (i) of subparagraph (B) of paragraph (4) of subdivision (d) of Section 97.2, clause (i) of subparagraph (B) of paragraph (4) of subdivision (d) of Section 97.3, or Article 4 (commencing with Section 98), had this section not been enacted. The allocation made pursuant to subdivisions (a) and (c) shall be adjusted to comply with this paragraph.

(2) Require an increased ad valorem property tax revenue allocation to a community redevelopment agency.

(3) Alter the manner in which ad valorem property tax revenue growth from fiscal year to fiscal year is determined or allocated in a county.

SEC. 12. Section 10754 of the Revenue and Taxation Code, as amended by Chapter 231 of the Statutes of 2003, is amended to read:

10754. (a) Notwithstanding any other provision of law, the total amount of the vehicle license fee otherwise required with respect to a vehicle shall be offset in accordance with those provisions set forth below that are operative pursuant to subdivision (b):

(1) (A) For any initial or original registration of any vehicle, never before registered in this state, for which the final due date for the license fee is on or after January 1 of any calendar year for which this paragraph is operative, and for any renewal of registration with an expiration date on or after January 1 of any calendar year for which this paragraph is operative, the department shall offset the total amount of fees otherwise due at the time of registration of that vehicle by an amount equal to 25 percent of the amount computed pursuant to Section 10752 or 10752.1, or Section 18115 of the Health and Safety Code.

(B) Upon proper payment of license fees to the Department of Motor Vehicles, the amount of the offset for each vehicle shall be transferred into the Motor Vehicle License Fee Account in the Transportation Tax Fund, and into the Local Revenue Fund, pursuant to Section 11000 or Section 11000.1, as applicable.

(C) During any period in which insufficient moneys are available to be transferred from the General Fund to fully fund the offsets required by subparagraph (A), within 90 days of a reduction of funding, the department shall reduce the amount of each offset computed pursuant to that subparagraph by multiplying that amount by the ratio of the amount of moneys actually available to be transferred from the General Fund to pay for those offsets to the amount of moneys that is necessary to fully fund those offsets.

(2) (A) For any initial or original registration of any vehicle, never before registered in this state, for which the final due date for the license fee is on or after January 1 of any calendar year for which this paragraph is operative, and for any renewal of registration with an expiration date on or after January 1 of any calendar year for which this paragraph is operative, the department shall offset the total amount of fees otherwise due at the time of registration of that vehicle by an amount equal to 35 percent of the amount computed pursuant to Section 10752 or 10752.1, or Section 18115 of the Health and Safety Code.

(B) Upon proper payment of license fees to the Department of Motor Vehicles, the amount of the offset for each vehicle shall be transferred into the Motor Vehicle License Fee Account in the Transportation Tax Fund, and into the Local Revenue Fund, pursuant to Section 11000 or Section 11000.1, as applicable.

(C) During any period in which insufficient moneys are available to be transferred from the General Fund to fully fund the offsets required by subparagraph (A), within 90 days of a reduction of funding, the department shall reduce the amount of each offset computed pursuant to that subparagraph by multiplying that amount by the ratio of the amount of moneys actually available to be transferred from the General Fund to pay for those offsets to the amount of moneys that is necessary to fully fund those offsets.

(3) (A) For any initial or original registration of any vehicle, never before registered in this state, for which the final due date for the license fee is on or after January 1 of any calendar year for which this paragraph is operative, and for any renewal of registration with an expiration date on or after January 1 of any calendar year for which this paragraph is operative, the department shall offset the total amount of fees otherwise due at the time of

1 registration of that vehicle by an amount equal to $67\frac{1}{2}$ percent of
2 the amount computed pursuant to Section 10752 or 10752.1, or
3 Section 18115 of the Health and Safety Code.

4 (B) Upon proper payment of license fees to the Department of
5 Motor Vehicles, the amount of the offset for each vehicle shall be
6 transferred into the Motor Vehicle License Fee Account in the
7 Transportation Tax Fund, and into the Local Revenue Fund,
8 pursuant to Section 11000 or Section 11000.1, as applicable.

9 (C) During any period in which insufficient moneys are
10 available to be transferred from the General Fund to fully fund the
11 offsets required by subparagraph (A), within 90 days of a
12 reduction in funding, the department shall reduce the amount of
13 each offset computed pursuant to that subparagraph by
14 multiplying that amount by the ratio of the amount of moneys
15 actually available to be transferred from the General Fund to pay
16 for those offsets to the amount of moneys that is necessary to fully
17 fund those offsets.

18 (D) (i) The Controller shall, no later than August 15, 2006,
19 transfer from the General Fund to the credit of the Motor Vehicle
20 License Fee Account in the Transportation Tax Fund amounts
21 equal to those moneys that are otherwise required, pursuant to
22 subparagraph (B), to be transferred into that account, that are not
23 so transferred into that account during the 2003–04 fiscal year as
24 a result of the operation of subparagraph (C). The transferred
25 moneys shall be allocated from the account in the manner as
26 otherwise specified by law for the allocation of moneys from that
27 account.

28 (ii) The Controller, with the approval of the Department of
29 Finance, may advance from the Motor Vehicle License Fee
30 Account in the Transportation Tax Fund to any county or city that
31 entity's share of the vehicle license fee revenues transferred under
32 clause (i), if that entity demonstrates that it will experience a
33 hardship if the advance is not made. The sum of forty million
34 dollars (\$40,000,000) is hereby appropriated from the General
35 Fund to the Motor Vehicle License Fee Account in the
36 Transportation Tax Fund for the purposes of making the advances
37 authorized by this clause. For purposes of this clause, those
38 circumstances demonstrating that a county or city will experience
39 a "hardship," include, but are not limited to, the following:



(I) A county or city that has pledged its share of vehicle license fee revenues as security for any indebtedness that, as a result of the delay of the disbursement, will compromise its ability to repay that indebtedness.

(II) A county's or city's share of vehicle license fee revenues, as determined by the Controller, exceeds 37 percent of that entity's general revenue. In the case of a county, the Controller shall make the required calculation of that entity's general revenue based on information derived from the State of California Counties Annual Report for the 2000–01 fiscal year. In the case of a city, the Controller shall make the required calculation based on information derived from the State of California Cities Annual Report for the 2000–01 fiscal year.

(III) A city that is newly incorporated that is entitled to the allocations of vehicle license fee revenues authorized by Section 11005.3.

(iii) Any funds advanced pursuant to a finding of hardship pursuant to clause (ii) shall be disbursed on the 10th day of the calendar month following findings of hardship. The total aggregate amount transferred based on findings of hardship pursuant to clause (ii) may not exceed forty million dollars (\$40,000,000).

(iv) For purposes of Section 15 of Article XI of the California Constitution, the transfers required to be made by this subparagraph shall constitute successor taxes that are otherwise required to be allocated to counties and cities, and as successor taxes, the obligation to make those transfers as required by this subparagraph may not be extinguished nor disregarded in any manner that adversely affects the security of, or the ability of, a county or city to pay the principal and interest on any debts or obligations that were funded or secured by that city's or county's allocated share of motor vehicle license fee revenues.

(b) The offset provisions set forth in subdivision (a) shall be operative as provided by the following:

(1) Paragraph (1) of subdivision (a) shall be operative for vehicle license fees with a final due date in the calendar year beginning on January 1, 1999.

(2) Paragraph (2) of subdivision (a) shall be operative for vehicle license fees with a final due date on or after January 1, 2000, and before July 1, 2001.

(3) Paragraph (3) of subdivision (a) shall be operative for vehicle license fees with a final due date on or after July 1, 2001.

(c) (1) For purposes of this section, “department” means the Department of Motor Vehicles with respect to a vehicle license fee offset for a vehicle subject to registration under the Vehicle Code, and the Department of Housing and Community Development with respect to a vehicle license fee offset for a manufactured home, mobilehome, or commercial coach described in Section 18115 of the Health and Safety Code.

(2) For purposes of this section, the “final due date” for a license fee is the last date upon which that fee may be paid without being delinquent.

SEC. 13. Section 17604 of the Welfare and Institutions Code is amended to read:

17604. (a) All motor vehicle license fee revenues collected in the 1991–92 fiscal year that are deposited to the credit of the Local Revenue Fund shall be credited to the Vehicle License Fee Account of that fund.

(b) (1) For the 1992–93 fiscal year and fiscal years thereafter, from vehicle license fee proceeds from revenues deposited to the credit of the Local Revenue Fund, the Controller shall make monthly deposits to the Vehicle License Fee Account of the Local Revenue Fund until the deposits equal the amounts that were allocated to counties, cities, and cities and counties as general purpose revenues in the prior fiscal year pursuant to this chapter from the Vehicle License Fee Account in the Local Revenue Fund and the Vehicle License Fee Account and the Vehicle License Fee Growth Account in the Local Revenue Fund.

(2) Any excess vehicle fee revenues deposited into the Local Revenue Fund pursuant to Section 11001.5 of the Revenue and Taxation Code shall be deposited in the Vehicle License Fee Growth Account of the Local Revenue Fund.

(c) (1) On or before the 27th day of each month, the Controller shall allocate to each county, city, or city and county, as general purpose revenues the amounts deposited and remaining unexpended and unreserved on the 15th day of the month in the Vehicle License Fee Account of the Local Revenue Fund, in accordance with paragraphs (2) and (3).

(2) For the 1991–92 fiscal year, allocations shall be made in accordance with the following schedule:

	Allocation Per-
1	centage
2	Jurisdiction
3	Alameda 4.5046
4	Alpine 0.0137
5	Amador 0.1512
6	Butte 0.8131
7	Calaveras 0.1367
8	Colusa 0.1195
9	Contra Costa 2.2386
10	Del Norte 0.1340
11	El Dorado 0.5228
12	Fresno 2.3531
13	Glenn 0.1391
14	Humboldt 0.8929
15	Imperial 0.8237
16	Inyo 0.1869
17	Kern 1.6362
18	Kings 0.4084
19	Lake 0.1752
20	Lassen 0.1525
21	Los Angeles 37.2606
22	Madera 0.3656
23	Marin 1.0785
24	Mariposa 0.0815
25	Mendocino 0.2586
26	Merced 0.4094
27	Modoc 0.0923
28	Mono 0.1342
29	Monterey 0.8975
30	Napa 0.4466
31	Nevada 0.2734
32	Orange 5.4304
33	Placer 0.2806
34	Plumas 0.1145
35	Riverside 2.7867
36	Sacramento 2.7497
37	San Benito 0.1701
38	San Bernardino 2.4709
39	San Diego 4.7771



1	San Francisco	7.1450
2	San Joaquin	1.0810
3	San Luis Obispo	0.4811
4	San Mateo	1.5937
5	Santa Barbara	0.9418
6	Santa Clara	3.6238
7	Santa Cruz	0.6714
8	Shasta	0.6732
9	Sierra	0.0340
10	Siskiyou	0.2246
11	Solano	0.9377
12	Sonoma	1.6687
13	Stanislaus	1.0509
14	Sutter	0.4460
15	Tehama	0.2986
16	Trinity	0.1388
17	Tulare	0.7485
18	Tuolumne	0.2357
19	Ventura	1.3658
20	Yolo	0.3522
21	Yuba	0.3076
22	Berkeley	0.0692
23	Long Beach	0.2918
24	Pasadena	0.1385

25
 26 (3) For the 1992–93, 1993–94, and 1994–95 fiscal year and
 27 fiscal years thereafter, allocations shall be made in the same
 28 amounts as were distributed from the Vehicle License Fee Account
 29 and the Vehicle License Fee Growth Account in the prior fiscal
 30 year.

31 (4) For the 1995–96 fiscal year, allocations shall be made in the
 32 same amounts as distributed in the 1994–95 fiscal year from the
 33 Vehicle License Fee Account and the Vehicle License Fee Growth
 34 Account after adjusting the allocation amounts by the amounts
 35 specified for the following counties:

36		
37	Alpine	\$(11,296)
38	Amador	25,417
39	Calaveras	49,892
40	Del Norte	39,537

1	Glenn	(12,238)
2	Lassen	17,886
3	Mariposa	(6,950)
4	Modoc	(29,182)
5	Mono	(6,950)
6	San Benito	20,710
7	Sierra	(39,537)
8	Trinity	(48,009)

9

10 (5) For the 1996–97 fiscal year and fiscal years thereafter,
 11 allocations shall be made in the same amounts as were distributed
 12 from the Vehicle License Fee Account and the Vehicle License Fee
 13 Growth Account in the prior fiscal year.

14 Initial proceeds deposited in the Vehicle License Fee Account
 15 in the 2003–04 fiscal year in the amount that would otherwise have
 16 been transferred pursuant to Section 10754 of the Revenue and
 17 Taxation Code for the period June 20, 2003, to July 15, 2003,
 18 inclusive, shall be deemed to have been deposited during the
 19 period June 16, 2003, to July 15, 2003, inclusive, and allocated to
 20 cities, counties, and a city and county during the 2002–03 fiscal
 21 year.

22 (d) The Controller shall make monthly allocations from the
 23 amount deposited in the Vehicle License Collection Account of the
 24 Local Revenue Fund to each county in accordance with a schedule
 25 to be developed by the State Department of Mental Health in
 26 consultation with the California Mental Health Directors
 27 Association, which is compatible with the intent of the Legislature
 28 expressed in the act adding this subdivision.

29 SEC. 14. (a) The Director of Finance shall work with the
 30 Treasurer, the State Allocation Board, and any other executive
 31 agencies as necessary, to achieve a combined savings of no less
 32 than fifty million dollars (\$50,000,000) in General Fund debt
 33 service costs in the 2003–04 and 2004–05 fiscal years.

34 (b) It is not the intent of the Legislature that these savings
 35 impair existing contracts or disrupt phases of projects that are
 36 currently underway.

37 SEC. 15. Item 3910-001-0387 of Section 2.00 of Chapter 157
 38 of the Statutes of 2003 is amended to read:

39



1	3910-001-0387—For support of California Integrated Waste	
2	Management Board, payable from the Integrated Waste	
3	Management Account, Integrated Waste Management	
4	Fund	36,284,000
5	Schedule:	
6	(1) 11-Waste Reduction and Manage-	
7	ment	78,461,000
8	(2) 30.01-Administration	8,545,000
9	(3) 30.02-Distributed	
10	Administration	-8,545,000
11	(4) Reimbursements	-585,000
12	(5) Amount payable from Safe Neigh-	
13	borhood Parks, Clean Water, Clean	
14	Air, and Coastal Protection Bond	
15	Fund (Item 3910-001-0005) ...	-152,000
16	(6) Amount payable from California	
17	Used Oil Recycling Fund (Item	
18	3910-001-0100)	-4,128,000
19	(7) Amount payable from California	
20	Used Oil Recycling Fund (para-	
21	graph (4) of subdivision (a) of Sec-	
22	tion 48653 of the Public Resources	
23	Code)	-2,182,000
24	(8) Amount payable from California	
25	Used Oil Recycling Fund (para-	
26	graph (1) of subdivision (a) of Sec-	
27	tion 48653 of the Public Resources	
28	Code)	-2,336,000
29	(9) Amount payable from California	
30	Tire Recycling Management Fund	
31	(Item 3910-001-0226)	-27,679,000
32	(10) Amount payable from Recycling	
33	Market Development Revolving	
34	Loan Account, Integrated Waste	
35	Management Fund (Item	
36	3910-001-0281)	-1,820,000
37	(11) Amount payable from Solid Waste	
38	Disposal Site Cleanup Trust Fund	
39	(Item 3910-001-0386)	-532,000

(12) Amount payable from Integrated Waste Management Account, Inte- grated Waste Management Fund (Item 3910-006-0387)	-640,000
(13) Amount payable from Farm and Ranch Solid Waste Cleanup and Abatement Account (Item 3910-001-0558)	-1,017,000
(14) Amount payable from Federal Trust Fund (Item 3910-001-0890)	-106,000
(15) Amount payable from Rigid Con- tainer Account (Item 3910-001-3024)	-1,000,000

Provisions:

1. Notwithstanding subdivision (h) of Section 42023.1 of the Public Resources Code, the California Integrated Waste Management Board may offset the costs of administering the revolving loan program for Recycling Market Development Zones with funds appropriated in this item.
2. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.
3. Of the amount appropriated in this item, \$685,000 is provided to support six (6) Advisor, four (4) Executive Assistant, and one (1) Office Technician positions to support members of the California Integrated Waste Management Board. These positions shall be administratively established by the Department of Finance for the 2003-04 fiscal year, and shall be considered permanent positions thereafter.

SEC. 16. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title

1 2 of the Government Code. If the statewide cost of the claim for
2 reimbursement does not exceed one million dollars (\$1,000,000),
3 reimbursement shall be made from the State Mandates Claims
4 Fund.

5 SEC. 17. This act is an urgency statute necessary for the
6 immediate preservation of the public peace, health, or safety
7 within the meaning of Article IV of the Constitution and shall go
8 into immediate effect. The facts constituting the necessity are:

9 In order to provide for the most efficient operation of state
10 functions described in this act at the earliest possible time, it is
11 necessary that this act go into immediate effect.

